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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/599,442 | 10/06/2006 | Bunzo Seki | SHM-16878 | 8967 |
| 40854 7590 03/09/2009 RANKIN, HILL, & CLARK LLP 38210 Glenn Avenue WILLOUGHBY, OH 44094-7808 | | | | |
| EXAMINER | | | | |
| BROWN, DREW J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3616 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/09/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,442

Applicant(s)

SEKI, BUNZO

Examiner

DREW J. BROWN

Art Unit

3616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10, 13, and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/28/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 5-6 of claim 6, the limitation "to allow the housing to slide relative to the one part axially of the housing" renders the claim indefinite. The examiner suggests deleting the phrase "of the housing" in line 6.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hase (JP 60-72304, as cited by Applicant) in view of Aucktor (U.S. Pat. No. 3,218,827).

Hase discloses a pair of drive shafts (27) for transmitting drive power from a source of drive power to left and right independently suspended wheels (Figure 2), a constant velocity joint (26) connected to respective ends of the drive shafts, a case that supports the constant velocity joint (Figure 4), and a driven sprocket (16') to which the drive power from the drive power source is transmitted.

Hase does not disclose right and left constant velocity joints, where they are designed to be individually removably connected to the vehicle body. Aucktor, however, discloses the use of

right and left constant velocity joints designed to be individually removably connected to the vehicle body (Figure 9), further comprising connecting units or left and right case members (55, 56) for connecting the constant velocity joints to the case and the vehicle body. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the constant velocity joint as two separate joints, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

5. Claims 1-3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hase in view of Aucktor, and further in view of Suzuki et al. (U.S. Pat. No. 5,575,352).

The combination of Hase and Aucktor discloses the claimed invention as discussed above and that the drive shafts are connected to a pair of left and right rear wheels (Figure 2), wherein the vehicle is designed to travel on a rough terrain, but does not disclose that the independent suspension comprises a double wishbone independent suspension which includes upper arm members and lower arm members. Suzuki et al., however, does an independent suspension that comprises a double wishbone independent suspension which includes upper arm members and lower arm members (Figure 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Hase in view of the teachings of Suzuki et al. to have a double wishbone suspension, since double wishbone suspensions are old and well known in the art to be used to provide a desired comfort for occupants of the vehicle.

Allowable Subject Matter

6. Claims 4, 5, 10, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW J. BROWN whose telephone number is (571)272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

/db/
3/5/09
/Ruth Ilan/
Primary Examiner, Art Unit 3616